



January 17, 2014

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## SENATE BILL No. 160

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DIGEST OF SB 160 (Updated January 15, 2014 1:35 pm - DI 106)

**Citations Affected:** IC 31-31; IC 33-23.

**Synopsis:** Courts and court officers. Provides that: (1) a new court with one or more new judges may not be established; and (2) one or more new judges may not be added to an existing court; unless the establishment of the new court and the addition of the new judges to an existing court are authorized by state law.

**Effective:** July 1, 2014.

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### Kenley, Delph, Randolph

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January 8, 2014, read first time and referred to Committee on Judiciary.  
January 16, 2014, amended, reported favorably — Do Pass.

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SB 160—LS 6751/DI 73





January 17, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 160

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 31-31-3-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a) Except as**  
3 **provided in subsection (b), after June 30, 2014,** the judge of the  
4 juvenile court may appoint ~~one (1) or more~~ **a full-time magistrate**  
5 **magistrate under IC 33-23-5 only if authorized by state law.**

6 **(b) If the judge of the juvenile court appointed one (1) or more**  
7 **full-time magistrates under this section before July 1, 2014, the**  
8 **judge may continue to appoint or reappoint a full-time magistrate**  
9 **to each of those positions after June 30, 2014.**

10 SECTION 2. IC 33-23-10-7 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. The commission on  
12 courts shall do the following:

13 (1) Review and report on **the following:**  
14 **(A) All requests for new courts or changes in jurisdiction of**  
15 **existing courts. A new court with one (1) or more new**  
16 **judges may not be established and one (1) or more new**

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**judges may not be added to an existing court unless the establishment of the new court and the addition of the new judges to an existing court are authorized by state law.**

**(B) All requests for the authority to appoint a magistrate for a juvenile court. A magistrate may not be appointed for a juvenile court unless the appointment of the magistrate is authorized by state law.**

A request for review under this subdivision must be received by the commission not later than July 1 of each year. A request received after July 1 may not be considered unless a majority of the commission members agrees to consider the request.

(2) Conduct research concerning requests for new courts or changes in jurisdiction of existing courts. The research may include conducting surveys sampling members of the bar, members of the judiciary, and local officials to determine needs and problems.

(3) Conduct public hearings throughout Indiana concerning requests for new courts or changes in jurisdiction of existing courts. The commission shall hold at least one (1) public hearing on each request presented to the commission.

(4) Review and report on any other matters relating to court administration that the commission determines appropriate, including the following:

(A) Court fees.

(B) Court personnel, except constables that have jurisdiction in a county that contains a consolidated city.

(C) Salaries of court officers and personnel, except constables that have jurisdiction in a county that contains a consolidated city.

(D) Jury selection.

(E) Any other issues relating to the operation of the courts.

(5) Submit a report in an electronic format under IC 5-14-6 before November 1 of each year to the general assembly. The report must include the following:

(A) A recommendation on all requests considered by the commission during the preceding year for the creation of new courts or changes in the jurisdiction of existing courts.

(B) If the commission recommends the creation of new courts or changes in jurisdiction of existing courts, the following:

(i) A draft of legislation implementing the changes.

(ii) A fiscal analysis of the cost to the state and local governments of implementing recommended changes.



- 1 (iii) Summaries of any research supporting the
- 2 recommended changes.
- 3 (iv) Summaries of public hearings held concerning the
- 4 recommended changes.
- 5 (C) A recommendation on any issues considered by the
- 6 commission under subdivision (4).



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 160, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 15, after "court" insert "**with one (1) or more new judges**".

Page 1, line 15, after "established" insert "**and one (1) or more new judges may not be added to an existing court**".

Page 1, line 16, after "of the" insert "**new**".

Page 1, line 16, delete "is approved by the" and insert "**and the addition of the new judges to an existing court are**".

Page 2, line 1, delete "commission and".

Page 2, line 5, delete "approved by the commission and".

and when so amended that said bill do pass.

(Reference is to SB 160 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 0.

